

REMARKS

With respect to the amendment of claim 1, the specification supports: the first anticoagulant reduction characteristic in Paragraphs 67-69 (Example 5 and Table 1); the second anticoagulant reduction characteristic in Paragraphs 28 and 70-71 (Example 6 and Table 2); and the angiogenesis inhibition characteristic in Paragraphs 72-76 (Example 7 and Table 3).

The Examiner rejected claims 1, 2, 5, 43, 44 and 47-60 under 35 U.S.C. § 112, second paragraph.

The Examiner rejected claim 54 under 35 U.S.C. § 112, second paragraph.

The Examiner rejected claims 1, 2, 5, 43, 44, 47-54 and newly added claims 55-60 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Mascellani *et al.* (Mascellani (U.S. Patent 4,973,580) in view of Cohen *et al.* (Cohen) (U.S. Patent 5,908,837).

Applicants respectfully traverse the § 112 and § 103 rejections with the following arguments.

35 U.S.C. § 112, Second Paragraph

The Examiner rejected claims 1, 2, 5, 43, 44 and 47-60 under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the Examiner found fault with the terms “substantially” and “sufficient to substantially” in claims 1 and 43.

In response, Applicant respectfully contends that the aforementioned rejection of claims 1, 2, 5, 43, 44 and 47-60 under 35 U.S.C. § 112, second paragraph is moot, since the terms “substantially” and “sufficient to substantially” do not appear in claims 1 and 43 as amended herein.

The Examiner rejected claim 54 under 35 U.S.C. § 112, second paragraph. In particular, the Examiner found fault with the term “analogs” in claim 54.

In response, Applicant respectfully contends that the aforementioned rejection of claim 1, 54 under 35 U.S.C. § 112, second paragraph is moot, since the term “analog” does not appear in claim 54 as amended herein.

35 U.S.C. § 103(a)

The Examiner rejected claims 1, 2, 5, 43, 44, 47-54 and newly added claims 55-60 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Mascellani *et al.* (Mascellani (U.S. Patent 4,973,580) in view of Cohen *et al.* (Cohen) (U.S. Patent 5,908,837)).

Since claims 44, 47-48, 55, and 60 have been canceled, the rejection of claims 44, 47-48, 55, and 60 under 35 U.S.C. § 103(a) is moot.

Applicant respectfully contends that claim 1 is not unpatentable over Mascellani in view of Cohen, because Mascellani in view of Cohen does not teach or suggest each and every feature of claim 1.

Applicant respectfully contends that Mascellani in view of Cohen does not teach or suggest the claimed first anticoagulant reduction characteristic of: “the oxidized heparin fraction reduces a mean percent inhibition of platelet clot strength by factor of at least about 8 relative a mean percent inhibition of platelet clot strength of unfractionated heparin under a condition of the concentration of the oxidized heparin fraction in human blood being equal to the concentration of the unfractionated heparin in human blood”.

In Mascellani, Table 2 of Example 2 shows that the antithrombic activity (135) of Hep. 116.7 (which is analogous to the claimed unfractionated heparin) is nearly the same as the antithrombic activity (127) of OP84/2610 (which is analogous to the claimed oxidized heparin fraction), which demonstrates that Mascellani does not teach or suggest the claimed first anticoagulant reduction characteristic recited in claim 1.

Applicant respectfully contends that Mascellani in view of Cohen does not teach or suggest the claimed second anticoagulant reduction characteristic of: “the oxidized heparin

fraction reduces a prolongation of clotting time of human blood by at least 75% relative to a prolongation of clotting time of human blood by unfractionated heparin under a condition of the concentration of the oxidized heparin fraction in human blood being equal to the concentration of the unfractionated heparin in human blood, subject to the clotting time being a prothrombin time (PT) or an activated partial thromboplastin time (APTT)”.

In Mascellani, Table 2 of Example 2 shows that the antithrombic activity (135) of Hep. 116.7 (which is analogous to the claimed unfractionated heparin) is nearly the same as the antithrombic activity (127) of OP84/2610 (which is analogous to the claimed oxidized heparin fraction), which demonstrates that Mascellani does not teach or suggest the claimed second anticoagulant reduction characteristic recited in claim 1.

Applicant respectfully contends that Mascellani in view of Cohen does not teach or suggest the claimed angiogenesis inhibition characteristic of: “the oxidized heparin fraction in an endothelial cell (EC) growth medium cancels an effect of recombinant human fibroblast growth factor (FGF2) on EC tube formation in the EC growth medium under a condition of the concentration of FGF2 in the EC growth medium being sufficient to increase a length or area of the EC tube formation by a factor of at least about 2 if the oxidized heparin fraction is not in the EC growth medium”.

Applicant notes that neither Mascellani nor Cohen contains subject matter having any relationship to the claimed angiogenesis inhibition characteristic recited in claim 1.

Based on the preceding arguments, Applicant respectfully maintains that claim 1 is not unpatentable over Mascellani in view of Cohen, and that claim 1 is in condition for allowance.

Since claims 2, 5, 43, 49-54, and 56-59 depend from claim 1, Applicant contends that claims 2, 5, 43, 49-54, and 56-59 are likewise in condition for allowance.

CONCLUSION

Based on the preceding arguments, Applicant respectfully believes that all pending claims and the entire application meet the acceptance criteria for allowance and therefore request favorable action. If the Examiner believes that anything further would be helpful to place the application in better condition for allowance, Applicant invites the Examiner to contact Applicant's representative at the telephone number listed below. The Director is hereby authorized to charge and/or credit Deposit Account 19-0513.

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Jack P. Friedman

Jack P. Friedman
Registration No. 44,688

Schmeiser, Olsen & Watts
22 Century Hill Drive - Suite 302
Latham, New York 12110
(518) 220-1850